

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

TYLER MILLER,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:20-cv-04849
)	
BRIGHTSTAR ASIA, LTD.,)	District Judge George B. Daniels
)	Magistrate Judge James L. Cott
Defendant.)	

**STIPULATION FOR EXTENSION OF PLAINTIFF’S DEADLINE TO FILE A
RESPONSE TO DEFENDANT’S SECOND MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT AND DEFENDANT’S DEADLINE TO FILE A REPLY TO
PLAINTIFF’S RESPONSE**

Plaintiff, Tyler Miller (“Plaintiff”), and Defendant, Likewise Hong Kong Limited f/k/a Brightstar Asia, Ltd. (“Brightstar Asia”), by and through their respective counsel and subject to the approval of the Court, hereby stipulate and agree that Plaintiff’s deadline to file a response to Brightstar Asia’s Second Motion to Dismiss First Amended Complaint (“Second Motion to Dismiss”) (Doc. 50) is extended through and including October 21, 2022, and Brightstar Asia’s deadline to file a reply to Plaintiff’s response is extended through and including October 28, 2022.

1. On September 23, 2022, Brightstar Asia filed its Second Motion to Dismiss asserting that Plaintiff’s one remaining cause of action in the First Amended Complaint—his claim in Count III for breach of the implied covenant of good faith and fair dealing—should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim.

2. Pursuant to Local Civil Rule 6.1(b), Plaintiff’s current deadline to file a response to Brightstar Asia’s Second Motion to Dismiss is October 7, 2022, and Brightstar Asia’s deadline to file a reply would be seven days after Plaintiff serves his response.

3. In order to allow Plaintiff and Brightstar Asia sufficient time to prepare their respective response and reply, the parties hereby agree to extend Plaintiff's deadline to file a response to the Second Motion to Dismiss to October 21, 2022 and to extend Brightstar Asia's deadline to file a reply to Plaintiff's response to October 28, 2022.

4. The relief requested herein will not prejudice either party and is made in good faith and not for the purposes of delay or harassment. As this extension is being sought prior to any scheduling conference, this relief does not affect any other scheduled dates or deadlines.

Dated: September 30, 2022

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